

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

	x	
	:	
FRANK MORGAN,	:	Criminal Action
	:	
Plaintiff,	:	No. 2:18-cv-01450
	:	
v.	:	
	:	Date: July 29, 2020
LOGAN COUNTY COMMISSION,	:	
et al.,	:	
	:	
Defendants.	:	
	x	

PARTIAL TRANSCRIPT OF JURY TRIAL PROCEEDINGS HELD  
BEFORE THE HONORABLE THOMAS E. JOHNSTON, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
IN CHARLESTON, WEST VIRGINIA

APPEARANCES:

For the Plaintiff:	KERRY A. NESSEL, ESQ. The Nessel Law Firm 519-1/2 Eighth Street Huntington, WV 25701
	ABRAHAM J. SAAD, ESQ. Saad Law Office P. O. Box 1638 Huntington, WV 25717-1638
For the Defendants:	WILLIAM E. MURRAY, ESQ. Anspach Meeks Ellenberger Suite 1700 900 Lee Street East Charleston, WV 25301
	WENDY E. GREVE, ESQ. Pullin Fowler Flanagan Brown & Poe 901 Quarrier Street Charleston, WV 25301

Court Reporter: Ayme Cochran, RMR, CRR

Proceedings recorded by mechanical stenography;  
transcript produced by computer.

1 PARTIAL PROCEEDINGS had before The Honorable Thomas E.  
2 Johnston, Chief Judge, United States District Court,  
3 Southern District of West Virginia, in Charleston, West  
4 Virginia, on July 29, 2020, as follows:

5 (Prior proceedings preceded the following excerpt)

6 MS. GREVE: I just wanted to check on the timing  
7 of when the Court wanted to address any issue with respect  
8 to the lawsuit filed by Mr. Fortune.

9 THE COURT: You know, again, I don't think that --  
10 I'm not going to stop this trial for that issue. You know,  
11 this is going to end up being a discovery issue and I'll  
12 address it, but I want briefing on it.

13 And so, Mr. Nessel can file a motion. You can file a  
14 response. I'll decide. But to me the key question is going  
15 to be did you have an obligation to provide that information  
16 and that's going to boil down to whether or not it was  
17 requested or under the Federal Rules of Civil Procedure  
18 whether you were obliged to provide the information under  
19 Rule 26 anyway without a discovery request. If you were,  
20 you've got problems. If you weren't, that's going to  
21 resolve it. I don't want to have to hash this out in open  
22 court. That's something we can do on paper rather easily, I  
23 would think.

24 All right. Anything else today?

25 MS. GREVE: No, Your Honor.

1 MR. NESSEL: No, sir.

2 THE COURT: All right. Have a good evening.  
3 We'll see you ready to go at 9:00 sharp in the morning.

4 MR. NESSEL: Yes, sir.

5 (Proceedings concluded at 5:00 p.m., July 29, 2020.)  
6

7 CERTIFICATION:

8 I, Ayme A. Cochran, Official Court Reporter, certify  
9 that the foregoing is a correct transcript from the record  
10 of proceedings in the matter of Frank Morgan,  
11 Plaintiff/Counterclaim Defendant v. Logan County Commission,  
12 et al., Defendants/Counterclaim Plaintiffs, Civil Action No.  
13 2:18-cv-01450, as reported on July 29, 2020.  
14

15 s/Ayme A. Cochran, RMR, CRR

March 30, 2022

16 Ayme A. Cochran, RMR, CRR

DATE

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